

## CLAIM AMENDMENT

Please amend the claims as follows:

1. (Currently amended) An isolated nucleic acid comprising thea sequence ~~selected from the group consisting of~~ SEQ ID NOS: ~~79-98~~ 90, or a fragment, ~~region, or cis element of said sequence~~ thereof, ~~said isolated nucleic acid being capable of that regulat~~esing transcription of an operably linked DNA sequence.
- 2-9. (Canceled)
10. (Currently amended) A promoter comprising thea nucleic acid sequence ~~selected from the group consisting of~~ SEQ ID NOS: ~~79-98~~ 90 ~~and fragments thereof~~.
11. (Original) The promoter of claim 10 wherein said promoter confers enhanced expression of operably linked genes in male reproductive tissues.
12. (Original) The promoter of claim 11 wherein said promoter confers enhanced expression of operably linked genes in anthers.
13. (Original) The promoter of claim 12 wherein said promoter confers enhanced expression of operably linked genes in wheat anthers.
14. (Currently amended) A cell comprising a DNA construct comprising the isolated nucleic acid sequence of claim 1 ~~an isolated nucleic acid sequence selected from the group consisting of~~ SEQ ID NOS: ~~79-98~~ or a fragment, region, or cis element of said sequence thereof, ~~and~~ operably linked to ~~said nucleic acid sequence~~, a transcribable DNA sequence and a 3' non-translated region.
15. (Currently amended) A transgenic plant comprising a DNA construct comprising the isolated nucleic acid sequence of claim 1 ~~an isolated nucleic acid sequence selected from the group consisting of~~ SEQ ID NOS: ~~79-98~~ or a fragment, region, or cis element of said sequence thereof, ~~and~~ operably linked to ~~said nucleic acid sequence~~, a transcribable DNA sequence and a 3' non-translated region.

16. (Currently amended) A method of regulating transcription of a DNA sequence comprising operably linking the DNA sequence to the isolated nucleic acid sequence of claim 1a ~~promoter comprising a nucleic acid sequence selected from the group consisting of SEQ ID NOS:79-98.~~

17-22. (Canceled)

23. (Currently amended) A method of making a transgenic plant comprising introducing into a cell of a plant a DNA construct comprising: (i) the isolated nucleic acid sequence of claim 1a ~~promoter comprising a nucleic acid sequence selected from the group consisting of SEQ ID NOS:79-98 or a fragment, region or cis element thereof, and, operably linked to the promoter,~~ (ii) a transcribable DNA sequence and (iii) a 3' non-translated region.

24-27. (Canceled)